

Message Text

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PAGE 01 STATE 137841
ORIGIN L-03

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APPROVED BY L/M:KEMALMBORG

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FM SECSTATE WASHDC
TO AMEMBASSY BONN IMMEDIATE

UNCLAS STATE 137841

E.O. 11652: N/A

TAGS: CPRS

SUBJECT: US-FRG EXTRADITION TREATY

REF: (A) BONN 4511 (B) BONN 3795 (C) US BERLIN 0674

1. DEPARTMENT LANGUAGE SERVICES (LS) SEES NO DISCREPANCY
IN ARTICLE 2(3)(B) AS PER REFTTEL A PARA 2. ENGLISH
PHRASE, "OTHER MEANS OF CARRYING OUT INTERSTATE OR FOREIGN
COMMERCE" SHOULD ENCOMPASS "OTHER MEANS OF COMMUNICATIONS."

2. REFTTEL A PARA 3 - DEPARTMENT DOES NOT AGREE THAT ONLY
TWO REQUESTING STATES ARE ENVISAGED IN ARTICLE 17(1).
ARTICLE 17(2) SHOULD NOT BE SO LIMITED. MANY CRIMES, EQ.
HIJACKING, INTERNATIONAL FRAUD CAN HAVE THEIR SETUP
IN SEVERAL, AND CERTAINLY MORE THAN THREE, COUNTRIES.

3. REFTTEL A PARA 4 - DEPARTMENT AGREES TO SUGGESTED CHANGE.

4. REFTTEL A PARA 5 - LS CONFIRMS DISCREPANCY IN LANGUAGE.
DEPARTMENT AGREES THAT FRG UNDERSTANDING IS CORRECT AND
THAT LANGUAGE IN ENGLISH TEXT SHOULD BE CHANGED TO READ AS
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SPECIFIED IN REFTTEL A PARA 5.

5. REFTTEL B, PARA 4, 5, 6, 7, 9, 10, 11, 13 DEPARTMENT
AGREES WITH SUGGESTED CHANGES. RE REFTTEL B PARA 6
DEPARTMENT WILL PROVIDE APPROPRIATE NEGOTIATING MINUTE.

6. REFTTEL B, PARA 8 - DEPARTMENT STILL BELIEVES THAT

FRG CONCERN OVER ARTICLE 8(B) MIGHT BE LESSENED BY
ADDITION OF WORD "SPECIFIC" BEFORE "OFFENSE".
DEPARTMENT IS, HOWEVER, WILLING TO DROP ARTICLE 8(B)
IN ACCORD WITH FRG REQUEST.

7. RE PARA 12. REFTEL B - BERLIN CLAUSE - REFTEL C CON-
TAINS ADEQUATE ASSURANCES RE ANY POSSIBLE RESERVATIONS.
DEPARTMENT BELIEVES THAT IN LIGHT OF PAST PRACTICES,
ARTICLE 33 AS NOW BRACKETED CAN BE AGREED ON SUBJECT
TO UNDERSTANDING IN REFTEL C.

8. DEPARTMENT'S REVIEW OF GERMAN AND ENGLISH REVEAL ONLY
MINOR LINGUISTIC DIFFERENCES. DEPARTMENT WILL SEND BY
AIRGRAM RESULTS OF LS REVIEW. MORE SERIOUS DISCREPANCIES
HAVE BEEN FOUND IN APPENDIX LISTING EXTRADITABLE OFFENSES.
HOWEVER, NONE OF THESE DIFFERENCES SHOULD DELAY
NEGOTIATION. LS REVIEW OF APPENDIX TO BE INCLUDED IN AIR-
GRAM. CHRISTOPHER

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